



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,738	08/22/2001	Ingo Molnar	019322-000340	9016

24239 7590 08/20/2007  
MOORE & VAN ALLEN PLLC  
P.O. BOX 13706  
Research Triangle Park, NC 27709

EXAMINER
----------

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
----------	--------------

2145

MAIL DATE	DELIVERY MODE
-----------	---------------

08/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

09/934,738

Applicant(s)

MOLNAR, INGO

Examiner

Azizul Choudhury

Art Unit

2145

All participants (applicant, applicant's representative, PTO personnel):

(1) Azizul Choudhury.

(3) Steven Phillips.

(2) Patrice Winder.

(4) \_\_\_\_\_.

Date of Interview: 01 August 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Proposed claim amendments.

Claim(s) discussed: 1.

Identification of prior art discussed: Challenger.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The applicant presented proposed claim amendments. The examiner agreed that if such claim amendments were made to the independent claims rejected by the 112 rejection for "protocol objects," the 112 rejections would be withdrawn. No other agreements were reached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

## FACSIMILE

**Moore & Van Allen**

FROM	Steven B. Phillips
TELEPHONE	1-919-286-8124
FAX	1-919-416-8324
DATE	Friday, July 13, 2007 8:27:48 AM

PAGES INCLUDING COVER SHEET	03
USER NUMBER	019322
CLIENT/MATTER	000340

**Moore & Van Allen PLLC**  
Attorneys at Law

Suite 500  
430 Davis Drive  
PO Box 13706  
Research Triangle Park, NC 27709

Courier:  
Suite 600  
430 Davis Drive  
Morrisville, NC 27560

T 919 286 8000  
F 919 286 8199  
www.mvalaw.com

**Attention:**

TO	Azizul Choudhury
COMPANY	U.S. Patent and Trademark Office
TELEPHONE	
FAX	1-571-273-3909

**Remarks:**

**Re: 09/934,738.** Please propose two or three alternate time slots on August 1, 2, 6, 7 or 8 from mid-morning on so I can coordinate another interview on the same day.

**To comply with certain U.S. Treasury regulations we inform you that unless expressly stated otherwise any U.S. Federal tax advice contained in this fax including attachments is not intended or written to be used and cannot be used by any person for the purpose of avoiding any penalties that may be imposed by the Internal Revenue Service.**

**IF FAX IS ILLEGIBLE OR INCOMPLETE, PLEASE CALL 919 286 8180 OR 800 333 3729.**

Unless otherwise indicated, a facsimile machine printout of this document shall be considered an original counterpart of the document, and a writing with the sender's signature, if any, printed thereon deemed an original signature. The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is wrongful and may subject you to civil liability. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Charlotte, NC  
Charleston, SC

**U.S. Patent Application 09/934,738****Proposed Interview Points**

The primary topic to be addressed in the interview would be whether amendments like that shown and discussed below with respect to claim 1 would overcome the rejection under Section 112, and if not, whether the Examiner could proffer any other suggestions.

If agreement can be reached on the above, an additional topic could then be whether the claims, which could presumably be better appreciated by the Examiner, would overcome Challenger.

**Exemplary Proposed Amended Claim**

1 (currently amended). In a communication server, a method of responding to a client application, the method comprising the steps of:

receiving from the client application an application protocol request corresponding to a response that can be displayed as a combination of a ~~dynamic protocol object~~ portion of the response that changes and a part of the response that is static protocol object;

creating at the server the ~~dynamic protocol object~~ portion of the response that changes;

sending the ~~dynamic protocol object~~ portion of the response that changes to the client application;

retrieving the part of the response that is static protocol object from a cache disposed in an operating system kernel; and

sending the part of the response that is static protocol object to the client application.

**Discussion**

The amendment eliminates the terms "dynamic protocol object" and "static protocol object" from the claims, while maintaining the claim scope. Similar amendments could be applied to all independent claims in the application if agreement can be reached.

**Our Position**

The terminology used in the amended claims is used in the specification; for example, see paragraphs [0007] and [0028], and Fig. 3. They are used in such a way that their meaning is clear. In addition these phrases use common adjectives and nouns. The description, known definitions of the individual words, and working software included in the application, renders the claims using these terms clear such that the claims comply with Section 112.

Challenger cannot anticipate these claims. Challenger does not mention or discuss portions or parts of responses or even Web pages, only complete static or dynamic Web pages. Challenger is not directed at how responses are made. Challenger never discusses or mentions the kernel.

Steven B. Phillips

Registration Number 37,911